

**TOWN OF SALEM
INLAND WETLANDS & CONSERVATION COMMISSION
REGULAR MEETING MINUTES
MONDAY, MARCH 7, 2022 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

1. Call to Order

Chairperson Bradley called the meeting to order at 7:01 p.m.

2. Roll Call/Seating of Alternates

Present were Chairperson Kimberley Bradley, Vice-Chairperson Diba Khan-Bureau, Secretary Roger Phillips, Edward Natoli, Jr., and Alternate Commissioner Jim Miller. Absent were Commissioners Jennifer Messervy, Jim Mulholland, and Dean Wojcik and Alternate Commissioners Larry Moore and Michael Smith. Also present were First Selectman Ed Chmielewski and Wetlands Enforcement Officer (WEO) Matthew Allen.

M/S/C: Khan-Bureau/Natoli to seat Alternate Commissioner Miller for Full Member Commissioner Messervy. Discussion: None. Voice vote, 4-0, all in favor.

3. Approval of Agenda

M/S/C: Natoli/Khan-Bureau, to approve the Inland Wetlands & Conservation Commission Agenda for March 7, 2022. Discussion: None. Voice vote, 5-0, all in favor.

4. Approval of Minutes:

a. February 7, 2022 Regular Meeting Minutes

M/S/C: Natoli/Messervy, to approve the Inland Wetlands & Conservation Commission Regular Meeting Minutes of February 7, 2022. Discussion: None. Voice vote, 4-0-1. Voting in Favor: Commissioners Khan-Bureau, Miller, Natoli, and Bradley. Voting in Opposition: None. Voting in Abstention: Commissioner Phillips.

5. Public Comment – *none; no public present*

6. New Business – *none*

7. Public Hearing(s) – *none*

8. Old Business

a. Violation at 89 Norwich Road

As requested by the Commission, ZWEO Allen reported that Matt Goclowski, CTDEEP (Connecticut Department of Energy & Environmental Protection) Fisheries Biologist, and Ivonne Hall, CTDEEP Supervising Civil Engineer, Dam Safety Program, were contacted for advisement regarding the placement of gravel on the dam located at 89 Norwich Road. CTDEEP Fisheries Biologist Goclowski stated that the removal of the gravel would result

in some short-term impacts. Should the Commission decide to remove the gravel, he recommended it be done between June 1 and September 30 to minimize any negative effects to the existing aquatic life. CTDEEP Supervising Civil Engineer Hall recommended the gravel remain as is. It was noted that neither party conducted a physical inspection of the area.

Discussion ensued regarding the violation and possible options to remedy the issue. Based on his experience, Secretary Phillips, who reviewed the area, did not see any negative issues with the placement of the gravel and felt that it most likely enhanced and improved the structure. More concerning was the beaver dam which has raised the water level one or more feet and may be placing pressure on the dam.

In response to Commissioner Natoli who questioned whether the Town intends to utilize the dam as a road, First Selectman Chmielewski stated that, to the best of his knowledge, there is no intention to utilize the dam for heavy vehicles. Commissioner Natoli proposed the possibility of posting a sign prohibiting people from traveling on the dam. First Selectman Chmielewski reported that the firefighters are currently discussing the design of the signs as part of the safety upgrades for the Disc Golf course and a sign prohibiting the public from traveling across the dam can be included. He expressed his commitment to working with the Commission and all of the relevant parties to remedy the issue and stated the possibility of designating the old Dolbeare dam as a historic landmark while still protecting the habitat. Chairperson Bradley stated that the violation could also be a great opportunity for the Town to restore the habitat in the area, greatly enhancing its resources, and providing a free flow of the stream by removing the dam.

Commissioner Natoli reported that he spoke with Eightmile River Wild & Scenic Watershed Coordinating Committee Coordinator Patricia Young who felt that the matter is under the purview of Dam Safety. She volunteered to consult with Elizabeth Lacy from the National Park Service for additional input. Because he has not heard back from her, he felt that there is little to no concern over the activity.

The Commissioners agreed that, based on the opinions received from CTDEEP Fisheries and Dam Safety and the National Park Service, the gravel should not be disturbed at this time.

In her correspondence, CTDEEP Supervising Civil Engineer Hall also expressed concerns regarding the condition of the dam, itself, and requested it be inspected by a professional engineer and the report be submitted to CT DEEP. ZWEO Allen reported that in researching the files, he found that an inspection, dated 2009, was conducted. The report, which indicates that the dam was of low to moderate risk, was forwarded to Dam Safety.

b. Plan of Conservation and Development (POCD)

Commissioner Khan-Bureau reviewed the edits that were recently made to the chapters, including the addition of items related to sustainability. In response to Planning & Zoning

Commissioner Carl Fontneau's suggested changes, Chairperson Bradley stated that she did not feel that the chapters would need to be rewritten as the information contained in the document are useful and continue to be pertinent.

The edits to the documents include:

Change all references to the "PLAN" to "POCD".

Change all references to the "Riparian Corridor Overlay Zone (RCOZ)" to "Eightmile River Watershed Overlay District"

Chapter 3: Natural Resources

2nd paragraph, 2nd sentence:

...Trust) or conservation easement *as can be seen on the Open Space map. Open Space in Salem has grown from 21% by area to 31% in the past ten years, exceeding the CT DEEP statewide goal of 21% of conserved open space by 2023.*

5th paragraph:

We ~~are also recommending~~ support integrating sustainability principals and ...

Recommendation 1.3.1:

...using the latest CT Invasive Plant List (updated ~~Nov 2011~~ *October 2018* – See Appendix 3) to...

Recommendation 1.3.2:

Encourage *and educate* local nurseries to *sell native plant species and* avoid selling invasive plant species on Salem's Municipal list.

1.4 Objective 1.4:

Educate town residents, *leaders, and staff* on the importance of protecting...

1.4.1. Recommendation:

...environmental/conservation organizations, *such as the Eightmile River Watershed Coordinating Committee,*...

~~1.4.2.~~ 1.4.3 Recommendation

1.4.2. Recommendation:

Provide training through Salem's Wetlands Officer to leadership and public staff on basic wetlands resource identification and procedures, per IWCC requirements.

1.5.3 Recommendation:

The Gardner Lake Authority has hired a consultant to study the nutrient levels and invasive species, and draw down effects. Using the information to continue to

~~pPursue developing a tri-town management plan~~ work with the Towns of Montville and Bozrah...

- 1.5.4 Recommendation:
...Natural Resources Conservation Service, *Eightmile River Watershed Coordinating Committee, and UConn CLEAR* for assistance...
- 1.5.6 Recommendation:
Continue the current policy of town-wide ~~municipal sanitary sewer avoidance reliance on subsurface sewage disposal systems~~.
- 1.6 Objective:
*The Town of Salem has identified aquifers and created aquifer protections zones. Our current objective is to e*Ensure the future availability of...
- 1.6.1 Recommendation: *delete – completed*
- 1.6.3 Recommendation: *delete – completed*
- 1.6.4 Recommendation: *delete – completed*
- 1.7 Objective:
*Continue to f*ulfill Salem’s commitments under...
- Item 1 of the five “Tier One” Management Tool Recommendations:
1. Riparian Corridor Protection – ~~Recommended Action: Adopt a River Protection Overlay Zone for all perennial streams and rivers in the Eightmile River Watershed that provides a 50-foot protection area on small headwater streams and a 100-foot protection area on larger streams. The Eightmile River Watershed Overlay District was recently updated by P&Z in 2021 to provide concise language and effective enforcement.~~
4. Stormwater Management
- (1) Require the *2004* CT DEEP Stormwater Quality Manual be used...
The year will be verified to ensure that it is the most recent version of the Manual.
- 1.9 *Support integration of* ~~Integrate~~ sustainable principles and practices into Salem’s land use planning

Chapter 4: Agriculture & Forestry

2nd paragraph, 2nd sentence:

The impacts ~~will~~ *could* include stronger rain events,...~~This will help provide safe running, walking and biking trails.~~

3rd paragraph, 1st sentence:

Quoting from Conservation and Development, Policies Plan for Connecticut, ~~2005-2010~~ *2013-2018*,...

5th paragraph, last sentence:

...and for ~~92%~~ *the majority* of the survey’s respondents,...

2.1.3 Recommendation:

Prioritize ~~Ensure that~~ Salem farmers ~~to ensure residents~~ are given the opportunity for Right of First Refusal (ROFR) to use Salem town-owned property for....

2.1.4 Recommendation:

Reduce *use of* pesticides and chemical fertilizers by the Salem Town Public Works Department *and promote the use of safer alternatives that are less impactful*

Any photographs the Commissioners might have of the Town's resources may be sent to the Chairman for possible inclusion.

M/S/C: Natoli/Khan-Bureau, to accept the revised recommendations of Chapters 3, Natural Resources, and 4, Agriculture and Forestry, of the Plan of Conservation and Development (POCD). The revised chapters will be presented to the Planning & Zoning Commission at their next Regular Meeting. Discussion: None. Voice vote, 5-0, all in favor.

Secretary Phillips applauded and expressed his appreciation to Commissioners Bradley and Khan-Bureau for their hard work.

In response to Commissioner Miller regarding the town's aquifers, Commissioner Natoli stated that the town's aquifers have been mapped by the State.

9. Wetlands Enforcement Officer's Report

WEO Allen reported that he visited The Salem Land Trust's Woodland Warbler Preserve but, due to heavy flooding, was unable to fully access the area near the pond; he plans to revisit the property in the near future. He surmised that the activity would be considered a conservation activity. Nevertheless, Commissioner Natoli felt that the activity should be brought before the Commission to determine if it would be considered an as-of-right activity.

10. Correspondence – none

11. Plus Deltas/Announcements

The Commissioners agreed that a productive meeting was held.

12. Adjournment

M/S/C: Phillips/Khan-Bureau, to adjourn the meeting at 8:49 p.m. Discussion: None. Voice vote, 5-0, all in favor.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem